

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jul 17, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES BLAIS and GAIL BLAIS,

Plaintiffs,

v.

ROSS HUNTER, in his official  
capacity of Secretary of Washington  
State Department of Children, Youth  
and Families,

Defendant.

No. 2:20-cv-00187-SMJ

**ORDER DENYING  
DEFENDANT'S MOTION TO  
DISMISS AS MOOT**

Before the Court, without oral argument, is Defendant's Motion to Dismiss Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 17. Defendant moves to dismiss the Complaint, ECF No. 1, under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). *See id.* Plaintiffs did not respond to Defendant's motion to dismiss, but rather filed a First Amended Complaint. *See* ECF No. 30. Having reviewed the motion and the file in this matter, the Court is fully informed and denies Defendant's motion to dismiss as moot.

Federal Rule of Civil Procedure 15 permits a party to amend its pleading, if the pleading is one to which a responsive pleading is required, once as a matter of

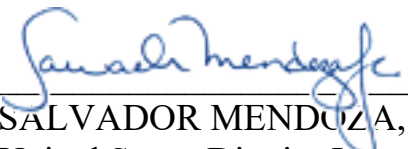
1 course within twenty-one days of service of a motion under Rule 12(b). Fed. R. Civ.  
2 P. 15(a)(1)(B). Here, Plaintiffs filed a First Amended Complaint on July 6, 2020,  
3 twenty-one days after service of Defendant's motion to dismiss the original  
4 Complaint. See ECF Nos. 17, 30. Because Plaintiffs were entitled to amendment as  
5 a matter of course, the First Amended Complaint is now the operative complaint  
6 and Defendant's motion to dismiss the original Complaint is moot.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 Defendant's Motion to Dismiss Plaintiffs' Complaint for Declaratory  
9 and Injunctive Relief, **ECF No. 17**, is **DENIED AS MOOT**.

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
11 provide copies to all counsel.

12 **DATED** this 17 day of July 2020.

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14 SALVADOR MENDOZA, JR.  
15 United States District Judge  
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